

AMENDED IN ASSEMBLY APRIL 21, 2005

AMENDED IN ASSEMBLY MARCH 31, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1416

Introduced by Assembly Member Goldberg

February 22, 2005

An act to ~~add Section 37696 to~~ amend Sections 17078.18, 17078.20, 17078.22, and 17078.30 of the Education Code, relating to school facilities, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1416, as amended, Goldberg. School facilities: ~~Concept 6 program~~: critically overcrowded schools: *Concept 6 program*.

Existing law prohibits a school district from operating a Concept 6 program unless the school district operated a Concept 6 program continuously since the 2003–04 school year. Existing law defines a Concept 6 program to mean a program whereby a school operates on a 3-track year-round calendar in which each track provides fewer than 180 days, but no fewer than 163 days, of instruction per school year. Existing law requires a school district, as a condition of operating a Concept 6 program, to present to the State Department of Education a comprehensive action plan detailing the strategy and steps to be taken annually to eliminate the use of the Concept 6 program as soon as practicable and no later than July 1, 2012, including, among other things, facility construction.

~~Existing law under the~~ *The existing* Leroy F. Greene School Facilities Act of 1998 establishes the Critically Overcrowded School Facilities Program, which is administered by the State Allocation Board, to make apportionments to eligible applicants with critically

overcrowded schools in advance of full compliance with all the application requirements otherwise required for apportionment. Existing law provides that a portion of the funds reserved for the purposes of the program from the proceeds of certain state bonds that are not included in a preliminary apportionment for an application that is received by a certain deadline are thereafter required to be available to the board for apportionment for any new construction purpose under the Leroy F. Greene School Facilities Act of 1998.

This bill would make projects that reduce reliance on the Concept 6 program eligible under the Critically Overcrowded School Facilities Program, as provided. The bill would require the board, to the extent certain bond funds remain available after certain applications are filed, to accept applications, during a specified period, for preliminary apportionments for those projects to reduce reliance on the Concept 6 program. The bill would make related changes. The bill would make an appropriation by authorizing an expenditure from certain state bonds approved by the voters in 2004 for this new purpose.

~~This bill would provide that a new school construction project to increase pupil capacity to reduce reliance on the Concept 6 program is eligible for funding under the Critically Overcrowded School Facilities Program, provided that funding is available after preliminary apportionments have been made for applicants that applied for funding prior to January 1, 2006.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 37696 is added to the Education Code,~~
- 2 ~~to read:~~
- 3 ~~SECTION 1. Section 17078.18 of the Education Code is~~
- 4 ~~amended to read:~~
- 5 ~~17078.18. Projects funded under this article shall meet all of~~
- 6 ~~either (1) the following criteria of subdivisions (a) to (c),~~
- 7 ~~inclusive, or (2) the criteria of subdivision (d):~~
- 8 ~~(a) The project is a new construction project to build new~~
- 9 ~~pupil capacity to relieve overcrowding.~~
- 10 ~~(b) The proposed school facility shall be located in the~~
- 11 ~~proposed general location, as set forth in Section 17078.22, of the~~
- 12 ~~school or schools that have the conditions and pupils that~~

1 establish the eligibility pursuant to this article as set forth in
2 subdivision (c).

3 (c) At least 75 percent of the projected pupil occupancy of the
4 project facilities shall come from a source school or source
5 schools that have a site pupil population density greater than 115
6 pupils per acre in grades kindergarten to ~~six~~ 6, inclusive, or a site
7 pupil population density greater than 90 pupils per acre in grades
8 ~~seven~~ 7 to 12, inclusive, as determined by the Superintendent of
9 ~~Public Instruction~~ using enrollment data from the California
10 Basic Educational Data System for the 2001–02 school year. For
11 source schools with grades that include a combination of
12 kindergarten to ~~six~~ 6, inclusive, and ~~seven~~ 7 to 12, inclusive, the
13 controlling source school site pupil population density shall be the
14 one applicable to the grade levels in which the majority of the
15 pupils are enrolled at the source school.

16 (d) *The project will reduce reliance on the Concept 6 program*
17 *as described in Article 2 (commencing with Section 37680) of*
18 *Chapter 5.5 of Part 22.*

19 SEC. 2. *Section 17078.20 of the Education Code is amended*
20 *to read:*

21 17078.20. (a) The board shall disseminate information to
22 school districts regarding the availability of funding pursuant to
23 this article and the appropriate deadlines for applications.

24 (b) Applicants for funding pursuant to this article shall submit
25 preliminary applications to the board.

26 (c) The preliminary applications shall be submitted by May 1,
27 2003, for projects to be funded with the proceeds of bonds
28 approved by the voters at the November 5, 2002, statewide
29 general election.

30 (d) Preliminary applications shall be accepted by the board
31 during the period between 60 days before and 120 days after, the
32 2004 direct primary election, or the 2004 statewide general
33 election, as appropriate, for projects to be funded with the
34 proceeds of bonds approved by the voters at the 2004 direct
35 primary election, or the 2004 statewide general election, as
36 appropriate.

37 (e) *To the extent that funds remain available after the*
38 *applications are filed pursuant to subdivision (d), the board shall*
39 *accept applications for preliminary apportionments for projects*
40 *that meet the requirements of subdivision (d) of Section 17078.18*

1 *during the period beginning with January 1, 2006, and ending on*
2 *June 30, 2006.*

3 (f) If funds are insufficient to fully fund all of the preliminary
4 applicants, the board shall apportion first to those projects that
5 would house pupils from source schools with the highest pupil
6 density levels relative to the ~~State Department of Education~~
7 *department standards.*

8 *SEC. 3. Section 17078.22 of the Education Code is amended*
9 *to read:*

10 17078.22. (a) The preliminary applications shall do all of the
11 following:

12 (1) Establish per-unhoused-pupil eligibility as set forth in
13 Article 3 (commencing with Section 17071.75) *or as determined*
14 *by the board to be necessary to allow the school district to*
15 *reduce reliance on the Concept 6 program.*

16 (2) Identify the unhoused pupil population that the proposed
17 project will serve by determining the number of pupils to be
18 served and the likely source school or schools from which the
19 pupils population will be drawn.

20 (3) Identify the proposed general location of the needed new
21 facilities pursuant to any of the following:

22 (A) Within that portion of the attendance area from which one
23 or more elementary schools that would be a source of the
24 per-pupil eligibility for the proposed facility draws its
25 enrollment, or within a one-mile radius of a source school, or
26 within a one-mile radius of any one of the source schools if there
27 are more than one, whichever is greater.

28 (B) Within the attendance area of a high school, middle
29 school, or junior high school that would be a source of the
30 per-pupil eligibility for the proposed facility or within a
31 three-mile radius of a source school, or within a three-mile radius
32 of any one of the source schools if there are more than one,
33 whichever is greater.

34 (4) Estimate the total facility cost on a per-pupil basis and
35 estimate the total site acquisition and development costs pursuant
36 to the regulations adopted pursuant to subdivision (c) of Section
37 17078.24.

38 (b) ~~The State Department of Education~~ *department* may grant
39 a variance from the distance maximums set forth in paragraph (3)
40 of subdivision (a) if the school district demonstrates to the

1 satisfaction of the department that the variance is necessary in
2 order to adequately provide facilities for the identified source
3 school pupils.

4 *SEC. 4. Section 17078.30 of the Education Code is amended*
5 *to read:*

6 17078.30. (a) (1) A portion of the funds reserved for the
7 purposes set forth in this article from the proceeds of state bonds
8 approved by the voters at the November 5, 2002, statewide
9 general election that are not included in a preliminary
10 apportionment for an application that is received by the deadline
11 specified in subdivision (c) of Section 17078.20 shall thereafter
12 be available to the board for apportionment for any new
13 construction purpose under any other article of this chapter.

14 (2) The amount of funds that shall be made available to the
15 board for purposes other than this article, pursuant to this
16 subdivision, shall be calculated as follows:

17 (A) Add the total amount preliminarily apportioned to 15
18 percent of that amount.

19 (B) Take the number calculated pursuant to subparagraph (A)
20 and subtract that number from the amount originally reserved for
21 the purposes of this article.

22 (C) The number calculated pursuant to subparagraph (B) shall
23 thereafter be available to the board for any new construction
24 purpose under any other article of this chapter.

25 (3) All funds reserved for the purposes set forth in this article
26 from the proceeds of state bonds approved by the voters at the
27 November 5, 2002, statewide general election pursuant to a
28 preliminary apportionment that are not included within a final
29 apportionment within the timeframes permitted by Section
30 17078.25 shall thereafter be available to the board for
31 apportionment for any new construction purpose under any other
32 article of this chapter.

33 (b) (1) A portion of the funds reserved for the purposes set
34 forth in this article from the proceeds of state bonds approved by
35 the voters at the 2004 direct primary election, or the 2004
36 statewide general election, as appropriate, that are not included in
37 a preliminary apportionment for an application that is received by
38 ~~the deadline~~ *deadlines* specified in ~~subdivision~~ *subdivisions* (d)
39 *and (e)* of Section 17078.20 shall thereafter be available to the

1 board for apportionment for any new construction purpose under
2 any other article of this chapter.

3 (2) The amount of funds that shall be made available to the
4 board for purposes other than this article, pursuant to this
5 subdivision, shall be calculated as follows:

6 (A) Add the total amount preliminarily apportioned to 15
7 percent of that amount.

8 (B) Take the number calculated pursuant to subparagraph (A)
9 and subtract that number from the amount originally reserved for
10 the purposes of this article.

11 (C) The number calculated pursuant to subparagraph (B) shall
12 thereafter be available to the board for any new construction
13 purpose under any other article of this chapter.

14 (3) All funds reserved for the purposes set forth in this article
15 from the proceeds of state bonds approved by the voters at the
16 2004 direct primary election, or the 2004 statewide general
17 election, as appropriate, pursuant to a preliminary apportionment
18 that are not included within a final apportionment within the
19 timeframes permitted by Section 17078.25 shall thereafter be
20 available to the board for apportionment for any new
21 construction purpose under any other article of this chapter.

22 ~~37696. Notwithstanding subdivision (b) of Section 17078.30,~~
23 ~~a new school construction project to increase pupil capacity to~~
24 ~~reduce reliance on the Concept 6 program is eligible for funding~~
25 ~~under the Critically Overcrowded School Facilities Program, as~~
26 ~~set forth in Article 11 (commencing with Section 17078.10) of~~
27 ~~Chapter 12.5 of Part 10, provided that funding is available after~~
28 ~~preliminary apportionments have been made for applicants that~~
29 ~~applied for funding prior to January 1, 2006.~~